

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO. 71 OF 2024

WITH

INTERIM APPLICATION NO. 9752 OF 2024

IN

ARBITRATION APPEAL NO. 71 OF 2024

Chanrika Bipin Das

...Appellant

Versus

Savitriben B Patel & Ors

...Respondents

Mr Sankt Mungale, for the Appellant.

Mr RB Bhat, with Lata C Wadhwani, for Respondent No. 1.

Ms Rita K Joshi, i/b Asshok D Shetty for Respondent No. 2.

CORAM: ARIF S. DOCTOR, J

DATED: 2nd August 2024

PC:-

1. Parties have today agreed to submit their disputes and differences to arbitration and also have agreed to (i) delete the name of Respondent No. 2 (Original Defendant No. 3); (ii) The Appellant and Respondent No. 3 shall not raise the issue of non-joinder of society as party; (iii) the Award that that may be passed by the Arbitrator shall be subject to challenge under Section 34 of the Arbitration and

Conciliation Act 1996; (iv) any Counsel of this Hon'ble Court may be appointed as Arbitrator; and (v) all contentions are kept open.

2. In view of this and given the nature of the dispute, I deem it fit to appoint an Arbitrator to decide the disputes and differences between the parties. The reference shall be in respect of the disputes and differences as referred to in the Suit. Since both parties have agreed to decide their disputes and differences to arbitration, I deem it fit to appoint Mr Abhishek Karnik, Advocate to act as the Sole Arbitrator to decide the disputes and differences between the parties on the following terms and conditions:

TERMS OF APPOINTMENT

- (a) Appointment of Arbitrator:** Mr Abhishek Karnik, Advocate, is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences between the parties.
- (b) Communication to Arbitrator of this order:**
 - (i)** A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the Appellant within one week from the date this order is uploaded.
 - (ii)** The Advocates for the Appellant will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses.

Arbitrator/s Mr Abhishek Karnik, Advocate

Address Chambers of Dr Saraf, Sr.
Advocate, 302, Oval House,
British Hotel Lane, Opposite
Commerce House, Nagindas
Master Road, Fort,
Mumbai 400 023

Mobile 9930351706

Email adv.amkarnik@gmail.com

- (c) **Disclosure.** The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The Advocates for the Petitioner will arrange to file the original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.
- (d) **Appearance before the Arbitrator.** Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.
- (e) **Contact/communication information of the parties.** Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator. The information is to include functional email addresses and mobile numbers.

- (f) **Interim Application/s.**
- (i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.
- (ii) The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.
- (g) **Fees:** Since the appointment of the Sole Arbitrator is by the Court, the arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (h) **Sharing of costs and fees:** Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.
- (i) **Consent to an extension if thought necessary.** Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.
- (j) **Venue and seat of arbitration:** Parties agree that the venue and seat of the arbitration will be in Mumbai

3. Given the age of the Plaintiff/Claimant, the Tribunal is requested to to dispose of this reference as expeditiously as possible and preferably within a period of one year from today without seeking an extension.

4. The Appeal and the Interim Application both disposed of accordingly.

(ARIF S. DOCTOR, J)